

EXHIBIT C



RE: BASF v Cheminova: Motion to Schedule Markman Hearing

01/10/2011 07:17 PM

Kripa Raman to: Robert.Burns

aruley, Christopher.Kelly, Craig A Benson, Deepro.Mukerjee,
Cc: Jayson L Cohen, John.Cox, John.Moran, joshua.krumholz,
Jpelsevier, Judy.Jarecki, Matthew.Howell, Steven.DAlessandro,
rkoch, pmillen

Bcc: GRP-BASF6, 017544-00006 Casenotes

From: Kripa Raman/PaulWeiss

To: Robert.Burns@hklaw.com

Cc: aruley@belldavispiatt.com, Christopher.Kelly@hklaw.com, Craig A
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Bcc: GRP-BASF6, 017544-00006 Casenotes@PaulWeiss

History: Added To DeskSite

Bob -

While we would be inclined, in principle, to not oppose a motion to consolidate the scheduling of a claim construction hearing with both Cheminova and MANA, we have concerns about the motion as you have drafted it. As drafted, this motion does not acknowledge nor address the issues raised by Cheminova's submission of expert declarations in support its claim construction briefs (and presumably by Cheminova's intent to rely on or refer to such declarations and/or offer expert testimony, at a claim construction hearing).

For instance, we cannot agree to the statement in paragraph 2 of your draft motion that "After [January 10, 2011], all claim construction issues in this case will be fully briefed and ready for argument," since (as I told you when we last discussed deposition scheduling) we believe that such issues cannot be ready for argument until Cheminova's expert declarants have been deposed.

This motion needs to clearly notify the Court that before any claim construction hearing can be conducted, we need adequate time to schedule, prepare for and conduct such expert depositions.

For similar reasons we have issues with paragraph 4 of your draft motion, which indicates that both this case and the MANA case are identically situated with respect to being ready for argument, since these expert issues are currently unique to Cheminova, and with paragraph 7 and the prayer for relief which request a hearing on a date "as soon as possible after January 10, 2011".

We are willing to consider any proposed changes to the current draft that addresses these concerns.

Regards,
Kripa

Kripa Raman | Counsel
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Robert.Burns

Kripa: Could we please have plaintiffs' response...

01/10/2011 11:21:17 AM

From: Robert.Burns@hklaw.com
To: Kripa Raman/PaulWeiss@PaulWeiss
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Steven.DAlessandro@hklaw.com, aruley@beldavispitt.com
Date: 01/10/2011 11:21 AM
Subject: RE: BASF v Cheminova: Motion to Schedule Markman Hearing

Kripa: Could we please have plaintiffs' response to the below?

Thanks,
Bob

From: Kripa Raman [mailto:KRaman@paulweiss.com]
Sent: Tuesday, January 04, 2011 6:20 PM
To: Burns, Robert J (NYC - X73490)
Cc: Kelly, Christopher (NYC - X73264); Craig A Benson; Deepro.Mukerjee@alston.com; Jayson L Cohen; John.Cox@alston.com; Moran, John P (WAS - X71848); Krumholz, Joshua (BOS - X75820); Jpelsevier@jonesday.com; Judy.Jarecki@Merial.com; Matthew.Howell@alston.com; D'Alessandro, Steven L (NYC - X73528)
Subject: Re: BASF v Cheminova: Motion to Schedule Markman Hearing

Bob -

We will look at the proposed draft and let you know whether we oppose, do not oppose, or join, or alternatively, whether our position will be dependent on changes to the proposed language. We have a number of people out of the office today and tomorrow, but will try to get back to you promptly.

Regards
Kripa

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S BASF v Cheminova Motion to Schedule Markman Hearing
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Counsel:

Happy New Year to all.

Attached is a draft motion to schedule a Markman hearing, and to coordinate the Markmans in the Cheminova and MANA cases. In early November, while negotiating the Markman briefing schedule, plaintiffs agreed not to oppose defendants' motion to coordinate the Markman hearings in the two cases. Accordingly, we've styled this as an unopposed motion, with optional language included if plaintiffs opt to join in the motion; please let us know which way it should read.

We intend to file this in the next day or so, in order to get this scheduling issue on Judge Osteen's radar in advance of the filing of reply briefs on Monday. Please let us know of any issues or concerns.

Thanks,
Bob Burns

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